

BILL ANALYSIS**RESOURCES AGENCY**

DEPARTMENT California Coastal Commission	AUTHOR Wayne	BILL NUMBER AB 511
SPONSORED BY California Coastal Commission	RELATED BILLS	DATE LAST AMENDED 4/26/99
SUBJECT Nonpoint Source Pollution		

SUMMARY

AB 511 would clarify the Commission's existing responsibilities to address and minimize the adverse impacts of nonpoint source pollution when implementing Coastal Act policies related to public access and recreation, the protection of biological productivity, coastal waters, and sensitive habitat, and new development.

The Commission voted to support AB 511 on March 10, 1999.

ANALYSIS

Existing Law: The state Porter-Cologne Water Quality Act governs the coordination and regulation of water quality in the state, and includes provisions relating to nonpoint source pollution. The California Coastal Act (e.g., Sections 30231, 30233, 30236, 30240) mandates the protection and restoration of coastal waters and other resources.

Changes Proposed by this Bill: AB 511 clarifies the Commission's existing authority to address and minimize the adverse impacts of nonpoint source pollution when implementing Coastal Act policies related to coastal public access and recreation, the protection of biological productivity, coastal waters, and sensitive habitat, and new development.

The Commission would also be required, not later than January 1, 2001, to prepare and submit to the Governor and the Legislature an annual report on the progress made in implementing the *Polluted Runoff Plan of the California Coastal Commission*.

Discussion: The California Coastal Act mandates the protection and restoration of coastal waters pursuant to the Public Resources Code (e.g., see Sections 30231, 30233, 30236, 30240). The Commission certifies Local Coastal Programs (LCPs) and approves coastal development permits (CDPs), energy projects, and federal projects consistent with these policies. By doing so, the coastal program protects water quality through the management of development that generates nonpoint source pollution or creates spills. The Commission also has a history of implementing educational and technical assistance programs and coordinating with other agencies to address land-use and development activities that may produce nonpoint source pollution.

DEPARTMENTS THAT MAY BE AFFECTED

STATE MANDATE ☐GOVERNOR'S APPOINTMENT ☐

DEPARTMENT DIRECTOR

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☐ SA ☐ OUA
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☐ DEFER TO _____

AGENCY SECRETARY POSITION

☐ S ☐ O
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GOVERNOR'S OFFICE USE

Position approved..... ☐
Position disapproved ☐
Position Noted ☐

DEPARTMENT DIRECTOR

AGENCY SECRETARY

BY

DATE

Commission staff has previously undertaken efforts to enhance the coastal program's management of nonpoint source pollution. The primary focus of this work was to make the Commission's current operations more effective in addressing land use activities that generate nonpoint source pollution, including obtaining and applying new information on the subject. In 1995, the CCC staff—with the help of an internal task force and discussions with Coastal Commissioners—prepared a Plan to address nonpoint source pollution in the coastal zone that added detail to areas that were not fully described in the CNPCP as originally submitted. In February 1997, the Commission's adopted the *Polluted Runoff Plan of the California Coastal Commission*. It is currently being updated and will be released for public comment in the spring.

Currently, Commission staff is working in partnership with the State Board to develop a 15-year strategy and 5-year action plan for controlling polluted runoff. Essentially, this action plan updates the 1988 State Board Nonpoint Source Management Plan and meets the CZARA requirements. Examples of the Commission's nonpoint source pollution activities and actions have been presented in the staff's annual report to the Commission. The last report was presented in May 1998.

The Coastal Act does not specifically define or reference nonpoint source pollution; nor does the act identify it as a significant cause of coastal water quality degradation. AB 511 would incorporate nonpoint source pollution language into several sections of the Coastal Act, thus clarifying the Commission's existing authority to prevent and reduce nonpoint source pollution.

This bill would also strengthen the act to require new development to comply with the state's Nonpoint Source Management Plan. Thus, the Commission and local governments with certified LCPs could require new development to implement Best Management Practices or management measures to control or prevent nonpoint source pollution impacts to coastal waters. Local governments whose LCPs are amended or under review by the Commission could also be required to incorporate biological productivity, public access, recreation, siting, and development policies that prevent and reduce the impacts of nonpoint source pollution.

FISCAL IMPACT

Minor fiscal impacts as federal funds are being used to develop and implement this program.

POSITION

The Commission voted to support AB 511 on March 10, 1999.

For more information contact Jeff Stump, Legislative Coordinator, at (415) 904-5266.